

**SUPREME COURT MINUTES
MONDAY, MARCH 4, 2002
SAN FRANCISCO, CALIFORNIA**

S091421 The People, Plaintiff and Respondent
 v.
 Conrad Richard McKay, Defendant and Appellant
 The judgment of the Court of Appeal is affirmed.

Baxter, J.

We Concur:
George, C.J.
Kennard, J.
Chin, J.
Moreno, J.

Concurring Opinion by Werdegarr, J.

Concurring and Dissenting Opinion by Brown, J.

S091757 San Remo Hotel L.P., et al.,
 Plaintiffs, Cross-defendants and Appellants
 v.
 City and County of San Francisco et al.,
 Defendants, Cross-complainants and Respondents
 The judgment of the Court of Appeal is reversed insofar as it
 reversed the superior court's judgment for defendant on plaintiffs'

complaint. In all other respects the judgment of the Court of Appeal is affirmed.

Werdegar, J.

We Concur:

George, C.J.

Kennard, J.

Moreno, J.

Concurring and Dissenting Opinion by Baxter, J.

I Concur:

Chin, J.

Dissenting Opinion by Brown, J.

6th Dist. Stephen G. Jackson, Petitioner
H024146 v.
S104781 Santa Clara County Superior Court, Respondent
People, Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. Manju Oberoi, Appellant
C039422 v.
Xcel Orthopedic Physical Therapy, Inc., Respondent
The time for granting review on the court's own motion is hereby
extended to and including April 3, 2002. (Cal. Rules of Court, rule
28(a)(1).)

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

B154849/S103538 In re Edeltrude Unden on Habeas Corpus – April 15, 2002.

B155219/S103782 In re Noel Barajas on Habeas Corpus – April 18, 2002.

B145393/S104780 People v. Chanh Minh Dang – April 4, 2002.

C037411/S103714 In re Laurie Ellen Miller on Habeas Corpus – April 18, 2002.

S015384 People, Respondent

v.

Richard Lacy Letner and Christopher Allan Tobin, Appellants

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing the appellant's opening brief on behalf of appellant Christopher Allan Tobin by mid-August 2002, counsel's request for an extension of time in which to file that brief is granted to May 6, 2002. After that date, only two further extensions totaling 100 additional days are contemplated.

S024416 People, Respondent

v.

Dellano Leroy Cleveland and Chauncey Jamal Veasley, Appellants

Good cause appearing, and based upon counsel David Joseph Macher's representation that he anticipates filing the appellant's opening brief on behalf of appellant Chauncey Jamal Veasley by March 30, 2002, counsel's request for an extension of time in which to file that brief is granted to April 2, 2002. After that date, no further extension will be granted.

S040527 People, Respondent

v.

Timothy Lee De Priest, Appellant

Good cause appearing, counsel's request for an extension of time in which to file the respondent's brief is granted to April 30, 2002. The court anticipates that after that date, only two further extensions

totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet this schedule.

S042224 People, Respondent

v.

Tomas Verano Cruz, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 26, 2002.

S092757 In re Willie Branner aka James Willis Johnson

on

Habeas Corpus

Good cause appearing, and based upon counsel David Eiseman's representation that he anticipates filing the reply to the informal response not earlier than April 1, 2002, counsel's request for an extension of time in which to file that brief is granted to April 2, 2002. After that date, no further extension will be granted.

S093369 In re Martin James Kipp

on

Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Randall D. Einhorn's representation that he anticipates filing the informal response by May 17, 2002, counsel's request for an extension of time in which to file that brief is granted to April 5, 2002. After that date, only two further extensions totaling 60 additional days are contemplated.

S100099 In re Kanury Surgury Qawi

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including March 15, 2002.

S010808 People, Respondent

v.

Jack Gus Farnam, Appellant

The request of appellant for 45 minutes for oral argument is granted.

S033998 In the Matter of the Suspension of Attorneys
Pursuant to Rule 962, California Rules of Court

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **Michael James Kissinger** pursuant to our order filed on January 30, 2002, is hereby terminated

This order is final forthwith.

S102781 In re **Ronald White** on Discipline

It is ordered that **Ronald White, State Bar No. 85723**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for three months. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 5, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S102783 In re **Walter Percy Williams II** on Discipline

It is ordered that **Walter Percy Williams II, State Bar No. 146569**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to D'Arsey Bolton (or the Client Security Fund, if appropriate) in the amount of \$3,000.00 plus 10% interest per annum

from May 22, 1995, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel; and until he makes restitution to Vanessa Williams (or the Client Security Fund, if appropriate) in the amount of \$3,000.00 plus 10% interest per annum from March 15, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel as recommended by the Hearing Department of the State Bar Court in its decision filed on September 18, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. He is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Walter Percy Williams II** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S102784

In re **Victor Stephen Martinez** on Discipline

It is ordered that **Victor Stephen Martinez, State Bar No. 90504**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for nine months and until he makes restitution to Lourdes Rodriguez (or the Client Security Fund, if appropriate) in the amount of \$1500 plus 10% interest per annum from May 23, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on September 25, 2001; and until the State Bar

Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S102789

In re **Duane R. Folke** on Discipline

It is ordered that **Duane R. Folke, State Bar No. 137341**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 18, 2001, as modified by its order filed November 6, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Business & Professions Code section 6086.10.)

S102790 In re **Rolando Magday Luis** on Discipline

It is ordered that **Rolando Magday Luis, State Bar No. 139574**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 22, 2001. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-fourth of said costs shall be added to and become part of the membership fees for the years 2003, 2004, 2005 and 2006. (Business & Professions Code section 6086.10.) *(See Bus. and Prof. Code, § 6126, subd. (c).)

S103071 In re **Thomas P. Freydl** on Discipline

It is ordered that **Thomas P. Freydl, State Bar No. 159567**, be disbarred from the practice of law in the State of California and that his name be stricken from the Roll of Attorneys of persons admitted to practice in this state. Freydl is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S103078 In re **Mark Madison O'Brien** on Discipline

It is ordered that **Mark Madison O'Brien, State Bar No. 48420**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State

Bar Court in its Order Approving Stipulation filed on August 24, 2001, as modified by its order filed October 11, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S103080 In re **Chet Williams** on Discipline

It is ordered that **Chet Williams, State Bar No. 160015**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to the family of Ronald Jordan (or the Client Security Fund, if appropriate) in the amount of \$16,000 plus 10% interest per annum from May 29, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 4, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S103270 In re **Pete Harned** on Discipline

It is ordered that **Pete Harned, State Bar No. 119217**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 26, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S103273 In re **Thomas Michael Wright** on Discipline

It is ordered that **Thomas Michael Wright, State Bar No. 147832**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 23, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Business & Professions Code section 6086.10.)